

Application No. 10/684,739
Reply to Office Action of May 24, 2006
Response Dated August 22, 2006

REMARKS

Claims 1-13 remain pending in the application and claims 1-7 stand rejected. Claims 8-13 were withdrawn in view of a Restriction Requirement. Applicant respectfully requests reconsideration in view of the following remarks.

Claims Rejected Under 35 U.S.C. §102

Claims 1, 4, 5 and 7 stand rejected under 35 U.S.C. §102(e) as being unpatentable over the U.S. Patent No. 7,028,867 to Acum et al. Applicant notes that the present application claims and is entitled to the benefit of priority to U.S. Provisional Application No. 60/459,207, filed March 31, 2003. Accordingly, the effective date of the present application precedes the filing date of Acum '867, which is October 30, 2003. Acum '867 is therefore an improper reference under 35 U.S.C. §102 and Applicant respectfully requests that the rejections of claims 1, 4, 5 and 7 based on Acum '867 be withdrawn.

Claims Rejected Under 35 U.S.C. §103

Claim 2 stands rejected under 35 U.S.C. §103(a) based on Acum '867 in combination with PCT Application Publication WO 89/01989 to Shimada. Claim 3 stands rejected under 35 U.S.C. §103(a) based on Acum '867 in view of U.S. Patent No. 4,159,806 to Scharfenberger. Claim 6 stands rejected under 35 U.S.C. §103(a) based on Acum '867 in view of U.S. Patent No. 6,325,853 to Hogan et al. Applicant notes that Acum '867 is an improper reference under 35 U.S.C. §103, as discussed

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above. For at least these reasons, Applicant respectfully requests that the rejections of claims 2, 3 and 6 be withdrawn.

Conclusion

In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone or facsimile, the Examiner is invited to contact the undersigned in order to resolve the matter and expedite the allowance of this application.

Applicant does not believe that any fee is due in connection with this submission. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)

By: /David W. Dorton/
David W. Dorton, Reg. No. 51,625